

**CITY OF WOBURN
APRIL 3, 2007 - 7:30 P.M.
REGULAR MEETING OF THE CITY COUNCIL**

Roll Call

Ciriello	Gately
Denaro	Galvin
Drapeau	Gonsalves
Dwyer	Mercer-Bruen
Doherty	

VOTED to dispense with the reading of the previous meeting's Journal and to APPROVE.

MAYOR'S COMMUNICATIONS:

A communication dated March 29, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows:

Re: Request for Audit Presentation by Powers & Sullivan

Dear President Doherty and Members of the City Council:

I would like to have our external audit services firm, Powers & Sullivan , make a presentation to you at your meeting of April 3, 2007, concerning the audit reports ending June 30, 2006.

Thank you for your consideration.

Sincerely, s/Thomas L. McLaughlin

ORDERED That the sum of \$1,000,000.00 be and is hereby appropriated as so stated from School Stabilization Fund Account #704059-596100 \$1,000,000.00 to Mayor's Capital Outlay WMHS Turf Field Account #0112158-586574 \$1,000,000.00. Upon completion of this project, any surplus shall revert back to the Stabilization Fund.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$85,438.00 be and is hereby transferred as so stated:
Transferred out of Regular Salary 0121051-511000 \$14,438.00, Sick
Leave BB 0121051-515400 \$48,000.00, Reserves 012051-512700
\$15,000.00, Dog Maintenance 0121052-538301 \$4,000.00, Crossing
Guards 0121051-512500 \$4,000.00 transferred into Overtime 0121051-
513100 \$4,438.00, Auto Maintenance 0121052-524600 \$25,000.00, Radio
Maintenance 0121052-525200 \$6,000.00, Building Maintenance 0121054-
543000 \$20,000.00, Gasoline 0121054-548100 \$10,000.00, Lighting
0121052-521101 \$20,000.00.

I hereby approve the above. s/Mayor Thomas L. McLaughlin

I have approved the above. s/Chief Philip L. Mahoney

I have reviewed the above. s/Auditor Gerald Surette

s/Alderman _____

ORDERED That the sum of \$128,000.00 be and is hereby appropriated as so stated
from Free Cash Account #01-356000 \$128,000.00 to Emergency Repairs
\$128,000.00.

I hereby approve the above: s/Thomas L. McLaughlin, Mayor

I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$50,000.00 be and is hereby transferred as so stated from
Ambulance ALS Account #31359-595000 \$50,000.00 to Ambulance
Salaries Account #0122051-514500 \$50,000.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor

I hereby approve the above: s/Paul Tortolano, Chief, Fire Department

I have reviewed the above: s/ Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$87,525.00 be and is hereby transferred as so stated from
Ambulance BLS Account #31359-595000 \$87,525.00 to Holiday Salary
Account #0122051-514500 \$11,675.00, Ambulance Salaries Account
#0122051-511500 \$75,850.00 Total \$87,525.00

I hereby approve the above: s/Thomas L. McLaughlin, Mayor
I hereby approve the above: s/Paul Tortolano, Chief, Fire Department
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That the sum of \$3,451.00 is hereby be transferred for the purposes stated from Outside Survey Consultants Account #0141048-586622 \$3,451.00 to Overtime Account #0141051-513100 \$1,640.00, GIS Equipment Maintenance Account #0141054-544700 \$1,811.00 Total \$3,451.00 See attached supporting documents

I hereby recommend the above: s/Thomas L. McLaughlin, Mayor
I hereby approve the above: s/John E. Corey, Jr., P.E., City Engineer
I have reviewed the above: s/Gerald W. Surette, City Auditor

s/Alderman _____

ORDERED That \$33,850,000 is appropriated for the purpose of financing water system improvements, including fire protection improvements and other capital improvements to water facilities, capital improvements to water systems to improve water quality and an addition to the water treatment plant, including without limitation all design costs related to such projects and all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$33,850,000 and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust or a loan agreement and/or financial assistance agreement with Authority and otherwise to contract with the Trust, the Authority and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to make an application to the Massachusetts Water Resources Authority for an interest free loan under the Massachusetts Water Resources Authority Local Pipeline Assistance Program available for the project or for the financing thereof; and that the Mayor or other appropriate local body or official is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

I hereby approve the above: s/Mayor Thomas L. McLaughlin

s/Alderman _____

PUBLIC HEARINGS:

On the petition by National Development Acquisitions LLC, c/o National Development of New England, 2310 Washington Street, Newton Lower Falls, Massachusetts 02462 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 5.00 acres of land at 112 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 02 from the IP-2 zoning district to the B-I zoning district. PUBLIC HEARING OPENED. A communication dated March 29, 2007 with attachment was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: National Development Acquisitions LLC – 112 Commerce Way – Amend Zoning Map from IP-2 to B-I & Nodraer Realty Corporation – 120 Commerce Way – Amend Zoning Map from IP-2 to B-I

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 13, 2007, the Board voted to forward a favorable recommendation to the City Council on the zoning map amendments for 112 Commerce Way from IP-2 to B-I and 120 Commerce Way from IP-2 to B-I and that the Board has incorporated as part of its recommendation, the report prepared by Connery Associates dated march 1, 2007. In addition, the Board has authorized Mr. John Cashell to represent the Planning Board at the City Council Meeting on this matter.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Attached thereto was a report entitled "A Zoning Review – The Commerce Way Corridor – I-93 Interchange/Atlantic Avenue/Anderson Station to Commonwealth Avenue – Woburn, Massachusetts March 1, 2007" prepared by Connery Associates, Melrose, Massachusetts.

On the petition by Nodraer Realty Corporation, 120 Commerce Way, Woburn, Massachusetts 01801 to further amend the Zoning Map of the City of Woburn as follows: By amending the present zoning district of a certain parcel of land containing approximately 3.42 acres of land at 120 Commerce Way identified on Woburn Assessors' Map 10, Block 01, Lot 03 from the IP-2 zoning district to the B-I zoning

district. PUBLIC HEARING OPENED. A communication dated March 29, 2007 with attachment was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: National Development Acquisitions LLC – 112 Commerce Way – Amend Zoning Map from IP-2 to B-I & Nodraer Realty Corporation – 120 Commerce Way – Amend Zoning Map from IP-2 to B-I

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 13, 2007, the Board voted to forward a favorable recommendation to the City Council on the zoning map amendments for 112 Commerce Way from IP-2 to B-I and 120 Commerce Way from IP-2 to B-I and that the Board has incorporated as part of its recommendation, the report prepared by Connery Associates dated March 1, 2007. In addition, the Board has authorized Mr. John Cashell to represent the Planning Board at the City Council Meeting on this matter.

If you have any questions or concerns regarding this matter, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

Attached thereto was a report entitled “A Zoning Review – The Commerce Way Corridor – I-93 Interchange/Atlantic Avenue/Anderson Station to Commonwealth Avenue – Woburn, Massachusetts March 1, 2007” prepared by Connery Associates, Melrose, Massachusetts.

On the petition by Manuel Jose and Marie Celeste Jose, both of 7 Dewey Avenue, Woburn, Massachusetts 01801 for a special permit pursuant to Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow the alteration of a pre-existing non-conforming 3-family residence to add a dormer and exterior staircases to rear of building located at 40-42 Porter Street. A communication dated April 2, 2007 was received from Attorney Mark J. Salvati, 10 Cedar Street, Suite 26, Woburn, Massachusetts 01801 as follows:

Re: 40-42 Porter Street

Dear President Doherty and Council Members:

Please continue the matter scheduled for April 3, 2007 to May 1, 2007 in order to make changes to the submitted plans and provide information as requested by the Council.

Thank you for your cooperation and please call with any questions.

Very truly yours, s/Mark J. Salvati

On the petition by Shawn McSheffrey, McSheffrey Auto Sales, 878 Main Street, Woburn, Massachusetts 01801 for a special permit to allow for the alteration of a pre-existing non-conforming sign under Section 13.5 and Section 7.3 of the 1985 Woburn Zoning Ordinances, as amended at 878 Main Street. A communication dated March 29, 2007 was received from Edmund P. Tarallo, Planning Director, Woburn Planning Board as follows:

Re: Shawn McSheffrey, McSheffrey Auto Sales – 878 Main Street – To allow for alteration of pre-existing non-conforming sign under Sections 13.5 and 7.3

Dear Mr. Campbell and Members of the City Council:

At the Planning Board meeting held on March 27, 2007, the Board voted to forward a favorable recommendation to the City Council on the Special Permit request of Shawn McSheffrey Auto Sales, to allow for the alteration of a pre-existing non-conforming sign.

If members of the City Council have any questions or concerns regarding the foregoing recommendation, please feel free to contact me.

Sincerely, s/Edmund P. Tarallo, Planning Director

CITIZEN'S PARTICIPATION: None.

COMMITTEE REPORTS:

POLICE AND LICENSE:

Petition for renewal of Billiard Table License by Marc Dionne dba Silver Cue Billiards, committee report was received “back for action.” Motion made and 2nd that the committee report be received, all in favor, 9-0.

Petition for renewal of Common Carrier License by M&L Transit Systems, Inc., committee report was received “ought to pass.”

Petition for renewal of Taxi Cab License by Abdulla Nasser AACA Travel Taxi Services, committee report was received “ought to pass.”

Petitioner for renewal of Livery Licenses by George B. Pike dba Pike Executive Transportation and A Quality Limousine, LLC, committee report was received “ought to pass.”

ORDINANCE:

On the Order to amend Article III, Section 9-17 of the 1989 Woburn Municipal Code, as amended, relative to portable signs, committee report was received “ought to pass.”

NEW PETITIONS:

Petitions for renewal of Livery Licenses by Checker Cab of Woburn, Inc., 289R Salem Street and American Classic Limousine, Inc., 215 Salem Street, Suite 8.

Petition for Taxi Cab License by Checker Cab of Woburn, Inc., 289R Salem Street.

Petition for renewal of License to Sell Second-Hand and Personal Articles of Value and Collectibles.

Petition for renewal of Bowling Alley License.

Petition by Boston Onnuri Church, 73 Pine Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.57a of the 1989 Woburn Zoning Ordinances, as amended, to allow temporary storage at 73 Pine Street.

Petition by Philip Marshall, Trustee Marshal Family Turst, 71 Pine Street, Woburn, Massachusetts 01801 for a special permit to allow parking of storage containers at 71 Pine Street.

Petition by Michael R. Tyminski, 14 Otis Street, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.5 of the 1989 Woburn Zoning Ordinances, as amended, to allow earth removal or filling at 14 Otis Street.

Petition by Atlantic Plywood, 8 Roessler Road, Woburn, Massachusetts 01801 for a special permit pursuant to Section 5.1.3 of the 1985 Woburn Zoning Ordinances, as amended, to allow for a flammable storage room at 8 Roessler Road. Motion made and 2nd that the MATTER be REFERRED TO PUBLIC HEARING, all in favor, 9-0.

COMMUNICATIONS AND REPORTS:

A communication dated March 23, 2007 was received from Charles L. O'Connor, Parking Clerk, Police Headquarters, 25 Harrison Avenue as follows:

In accordance with Massachusetts General Laws Chapter 90, Section 20A½, I am submitting a report to you on the parking violations in the City of Woburn for the period ending February 2007: number of tickets issued 511, number of tickets paid 419, number of hearings scheduled 167, number of tickets voided or dismissed 27, number of tickets outstanding 204, number of tickets issued by motorcycle officers 0, total dollar amount collected and turned into the Treasurer's Office \$14,917.20. There exists a backlog of 4,811 tickets for 1982 through 2006. Demands will be sent out until all tickets have been cleared. Parking violations turned over to Handicap Commission to date \$1,800.00.

Respectfully submitted, s/Charles L. O'Connor, Parking Clerk City of Woburn

A communication dated March 28, 2007 with attachments was received from Joanne Collins, Director, Woburn Council on Aging along with the minutes of the March meeting of the Council on Aging and the Director's report for the month of January.

A communication dated March 26, 2007 was received from Attorney Jeanne S. McKnight and Attorney Jeffery D. Ugino, Kopleman and Paige, P.C. relative to recent legislation concerning county roads.

A communication dated March 27, 2007 was received from Attorney Leonard Kopelman, Kopelman and Paige, P.C. relative to cable television license issuance and renewal.

A communication dated April 3, 2007 was received from William Bishop, Executive Director, Woburn Public Media Center advising the City Council of improvements to the audio/visual system in the Council Chambers including a new sound system, microphones, speakers, a projector with a screen operated via remote control, new robotics, a professional grade CD recorder, the relocation of the cameras, rewiring of the internet connection, and moving the equipment cabinet to the former Committee Room.

A copy of a communication dated March 29, 2007 from Elizabeth Ware, Winchester Planning Board to City Engineer John E. Corey was received relative to peer review for the project located at 620 Washington Street, Winchester.

A communication dated March 29, 2007 was received from Winchester Planning Board and Board of Selectmen relative to the schedule of public information meetings relative to the project at 620 Washington Street, Winchester.

A copy of a communication dated March 16, 2007 from Frank S. DeMasi, 26 MacArthur Road, Wellesley, Massachusetts 02482 to Vernon A. Williams, Secretary, Surface Transportation Board was received relative to New England Transrail Petition for Exemption.

A copy of a communication dated March 20, 2007 from Attorney Stephen M. Richmond and Attorney Marc J. Goldstein, Beveridge and Diamond, P.C., 45 William Street, Suite 120, Wellesley, Massachusetts 02481 to the Surface Transportation Board entitled Motion to Strike in the matter of New England Transrail, LLC Petition for Exemption.

A copy of a communication dated March 22, 2007 from Attorney Edward D. Greenberg and Attorney David K. Monroe, Counsel for New Jersey Department of Environmental Protection and the New Jersey Meadowlands Commission, Galland, Kharasch, Greenberg, Fellman & Swirsky, P.C., 1054 Thirty-First Street NW, Washington, D.C 20007 to Vernon A Williams, Secretary, Surface Transportation Board was received relative to the New England Transrail Petition for Exemption.

UNFINISHED BUSINESS OF PRECEDING MEETING: None.

APPOINTMENTS AND ELECTIONS:

A communication dated March 23, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Edward E. Reil, Jr. – Board of Registrars of Voters

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby appoint Edward E. Reil, Jr., of 11 Veteran Road as a member of the Board of Registrars of Voters.

Mr. Reil will replace Donald Galante, whose term will expired on March 15, 2007.

Mr. Reil's appointment will be effective on the date of confirmation by the City Council, and his year term will expire three years from that date.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated April 2, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Claudia Leis Bolgen – Planning Board

Dear Mr. Campbell:

By the power vested in my as Mayor of the City of Woburn, I hereby reappoint Claudia Leis Bolgen, whose term will expire April 30, 2007, of 15 Grant Street as a member of the Planning Board for a period of five years.

Ms. Leis Bolgen's reappointment will be effective subject to the date of confirmation by the City Council, and her new term will expire five years from that date.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated April 2, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Ann D. Alongi – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Ann D. Alongi of 79 Prospect Street as a member of the Council on Aging for a period of three years.

Ms. Alongi's appointment will be effective subject to the date of confirmation by the City Council, and her year term will expire December 31, 2009.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated April 2, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Margaret Casey – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Margaret Casey of 23 Wade Avenue as a member of the Council on Aging for a period of three years.

Ms. Casey's appointment will be effective subject to the date of confirmation by the City Council, and her year term will expire December 31, 2009.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated April 2, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Theresa Donovan – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Theresa Donovan of 74 Kilby Street as a member of the Council on Aging for a period of three years.

Ms. Donovan's appointment will be effective subject to the date of confirmation by the City Council, and her year term will expire December 31, 2009.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

A communication dated April 2, 2007 was received from His Honor the Mayor Thomas L. McLaughlin as follows

Re: Roland French – Council on Aging

Dear Mr. Campbell:

By the power vested in me as Mayor of the City of Woburn, I hereby reappoint Roland French of 19 Maywood Terrace as a member of the Council on Aging for a period of three years.

Mr. French's appointment will be effective subject to the date of confirmation by the City Council, and his year term will expire December 31, 2009.

If you have any questions, please feel free to contact me.

Sincerely, s/Thomas L. McLaughlin, Mayor

MOTIONS, ORDERS AND RESOLUTIONS:

RESOLVED Whereas, all water work has been completed on the street;

Now, Therefore, Be it Resolved that His Honor the Mayor instruct the Superintendent of Public Works to repave Sonar Drive from the intersection with Garfield Avenue to the cul-de-sac.

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to install a leveling course only on Jefferson Avenue from Prospect Street to Garfield Avenue in order to save the street from further deterioration

s/Alderman Gately

RESOLVED That His Honor the Mayor instruct the Superintendent of Public Works to repave Vining Court.

s/Alderman Gately

RESOLVED Whereas, through their efforts and demonstrated proficiency in their sport, the members of the 2006-2007 Woburn Memorial High School Boys Varsity Ice Hockey Team participated in advanced competition; and

Whereas, the 2006-2007 Woburn Memorial High School Boys Varsity Ice Hockey Team were recognized as the MIIA Division I North Champions; and

Whereas, the members of the 2006-2007 Woburn Memorial High School Boys Varsity Ice Hockey Team participated in the State Division I Championship Game at the TD Banknorth Garden; and

Whereas, the members of the 2006-2007 Woburn Memorial High School Boys Varsity Ice Hockey Team have exemplified true determination in competitive sport all season;

Now, therefore, the City Council of the City of Woburn recognizes the efforts and accomplishments of the members of the 2006-2007 Woburn Memorial High School Boys Varsity Ice Hockey Team and bestows the best wishes of the community on their continued academic and athletic success.

s/Alderman Dwyer

RESOLVED Whereas, the members of the 2006-2007 Woburn Memorial High School Hockey Cheerleading Squad have demonstrated a commitment to excellence in their both their academic pursuits and in the world of athletics; and

Whereas, the members of the 2006-2007 Woburn Memorial High School Hockey Cheerleading Squad have supported, encouraged and enhanced community spirit and Tanner Pride at all of the varsity hockey games for the past season; and

Whereas, the members of the 2006-2007 Woburn Memorial High School Hockey Cheerleading Squad have played an integral role in the success of the hockey program;

Now, therefore, the City Council of the City of Woburn recognizes the efforts and accomplishments of the members of the 2006-2007 Woburn Memorial High School Hockey Cheerleading Squad and extends the best wishes of the community on their future success.

s/Alderman Dwyer

Motion made and 2nd to ADJOURN.